

1 ALAN HARRIS (CA Bar No. 146079)
HARRIS & RUBLE
2 6424 Santa Monica Boulevard
Los Angeles, California 90038
3 Telephone: (323) 962-3777
Facsimile: (323) 962-3004

4 DAVID S. HARRIS (CA Bar No. 215224)
NORTH BAY LAW GROUP
5 116 E. Blithedale Avenue, Suite #2
6 Mill Valley, California 94941-2024
Telephone: (415) 388-8788
7 Facsimile: (415) 388-8770

8 Attorneys for Plaintiff
ANDREW CARR

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

13 ANDREW CARR, individually and on behalf
14 of all others similarly situated,

15 Plaintiff,

16 v.

17 BEVERLY HEALTH AND
REHABILITATION SERVICES, INC.,
18 GOLDEN LIVINGCENTER - PETALUMA,
and DOES 1 to 50,

19 Defendants.

Case No.: 12-CV-02980-EMC

**STIPULATION AND [PROPOSED]
ORDER CONTINUING MOTION TO
DISMISS AND CASE MANAGEMENT
CONFERENCE**

Courtroom: 5
Judge: Hon. Edward M. Chen

The parties hereby stipulate as follows:

WHEREAS, Defendant Beverly Health and Rehabilitation Services, Inc. filed a Motion to Dismiss Pursuant to F.R.C.P. 12(B)(6) ("Motion to Dismiss"), which has been fully-briefed by all parties. The Motion to Dismiss is scheduled to be heard by the Court on September 14, 2012, at 1:30 p.m.;

WHEREAS, on September 6, 2012, the parties filed a Stipulation and [Proposed] Order Selecting ADR Process. Specifically, the parties stipulated to participating in Private ADR through JAMS or a similar private mediator, which the parties are in the process of scheduling. The parties have stipulated to holding the mediation before the date of the Case Management Conference;

WHEREAS, the Case Management Conference is currently scheduled to take place on October 26, 2012, at 9:00 a.m. in Courtroom 5, 17th Floor, San Francisco, before the Honorable Edward M. Chen; and

WHEREAS, the parties respectfully request that the Court continue the hearing on the Motion to Dismiss and the Case Management Conference so that the parties may participate in early mediation.

IT IS THEREFORE STIPULATED AND AGREED that the hearing on the Motion to Dismiss and the Case Management Conference shall be continued until November 9, 2012, at 1:30 p.m. in Courtroom 5, 17th Floor, San Francisco, if that date is convenient to the Court. The parties shall file a Joint Case Management Statement at least one week prior to the Case Management Conference.

IT IS SO STIPULATED.

Date: September 6, 2012

Respectfully submitted,

NORTH BAY LAW GROUP

By /s/
David S. Harris

Attorneys for Plaintiff
ANDREW CARR

Date: September 6, 2012

DINSMORE & SHOHL LLP

By /s/
Carly Chu

Attorneys for Defendant
BEVERLY HEALTH AND
REHABILITATION SERVICES, INC.

IT IS HEREBY ORDERED AS FOLLOWS:

The parties shall complete mediation before November 9, 2012. The hearing on the Motion to Dismiss and the Case Management Conference is continued to November 9, 2012 at 1:30 p.m. in Courtroom 5. The parties shall file a Joint Case Management Statement at least one week prior to the Conference.

DATED: September 11, 2012

